



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,594	01/28/2004	Virgil L. Collins	03-876	5205
20306 7590 03/28/2007 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606			EXAMINER ADAMS, GREGORY W	
			ART UNIT	PAPER NUMBER
			3652	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/28/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/767,594

Applicant(s)

COLLINS, VIRGIL L.

Examiner

Gregory W. Adams

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goranson (US 4,133,439) (previously cited) in view of Rossi (EP 564403) (previously cited) and Carlsson (WO 9014250).

With respect to claim 9, Goranson discloses a system for loading or unloading a container or other structure from a transport vehicle comprising, in combination,

- (a) an elongated body 20 removably attached to a transport vehicle 10, where the elongated body comprises a track 24 and has a length that is defined by a front end located adjacent to a transport vehicle cab and a rear end located opposite the front;
- (b) a multi-stage central hydraulic cylinder 32 having a fixed end 26 and a moving end, where a fixed end 26 is attached to a rear end of an elongated body and a moving end is attached directly to a carriage 36 such that extending and retracting a central hydraulic cylinder 32 moves a carriage from a rear of an elongated body to a front of an elongated body without using cables, wires, chains, or pulleys, where a carriage is slidably attached to a track of an elongated body and is adapted to travel from the rear end to the front end of the elongated body during loading of a

Art Unit: 3652

container onto the transport vehicle and where the carriage has mounted thereon a combination of,

- a second engaging mechanism comprising a cable sheave 46 and cable 48 combination, where the cable slidably engages a cable sheave 46 that is mounted on a carriage, where a fixed end of the cable is attached directly to the elongated body and a free end is configured to releasably engage the container or structure such that as the carriage moves towards the front end of the elongated body the cable is pulled around the cable sheave and pulls a connected container or other structure in the same direction as the carriage,
 - where the first and second engaging mechanisms are adapted to releasably engage a container or other structure and are connected to and move with the carriage along the entire length of the elongated body when the central hydraulic cylinder is extended or retracted, where extension of the central cylinder moves the carriage to the front end of the elongated body and necessarily causes the container or other structure attached to one of the first or second engaging mechanism to be loaded onto the elongated body; and
- (c) a second pair of hydraulic cylinders 14 connected to the transport vehicle and to the elongated body and oriented such that when the pair of cylinders are extended the front end of elongated body is lifted to a position above the rear end of the elongated body.

does not disclose a jib/hook in combination with a cable that connects to an elongated body and to a container.

Rossi disclose a jib/hook 9 in combination with a cable 6 which combines the previous known and separate means of loading containers onto a vehicle such that when appropriate a jib/hook means is available based on one type of container to be loaded or a cable means is available based on another type of container to be loaded. P2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Goranson to combine jib/hook with cable in one apparatus, as per the teachings of Rossi, to increase the type of containers one loading vehicle may handle.

Carlsson discloses a jib/hook on a carriage having two cylinders 15 such that a self-lock actuator arm can be swung around a carriage axle enable a jib/hook to be swung down for collection of a removable container. Pages 7-10. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the carriage of Goranson to include a jib, hook and a first pair of hydraulic cylinders, as per the teachings of Carlsson, to position a jib/hook adjacent a container to be loaded.

Response to Arguments

Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection.

The examiner recognizes the potential argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning. It must be recognized that

Art Unit: 3652

any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, lacking any interoperability between the cable/sheave and jib/hook the scope of claim 9 is construed as merely combining parts into one invention which is not a novel concept. Moreover, the cited prior art clearly shows that it is possible to combine the different means for loading containers into one mechanism.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

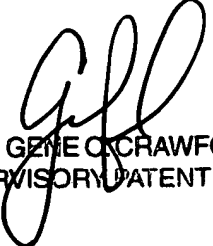
Art Unit: 3652

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GWA


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER